

## **Chapter 5.34**

### **PAWNBROKERS**

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#### **5.34.010      Pawnbroker Defined.**

Pawnbroker, as used in this chapter, shall mean any person who loans money upon deposit, or pledge of personal property or valuable thing, or any person who loans money upon chattel property for security, and requires possession of the property so mortgaged, on condition of returning the same upon payment of a stipulated amount of money. (Ord. 15470 §1; March 5, 1990: P.C. §5.26.010: Ord. 3489 §31-301; July 6, 1936).

#### **5.34.020      Permit Required.**

It shall be unlawful for any person, within the city, to carry on the business of a pawnbroker without first having obtained a permit so to do. Persons engaged in the business of pawnbroking shall be required to pay a permit fee of twenty-five dollars per year. (Ord. 15470 §2; March 5, 1990: P.C. §5.26.020: Ord. 3489 §31-302; July 6, 1936).

#### **5.34.030      Bond Required; Amount.**

A permit shall not be issued to such person until the permit fee is paid and the person has given bond to the city in the sum of \$5,000.00, executed by a surety company authorized to transact business in the State of Nebraska, the form of such bond to be approved by the City Attorney, conditioned for the faithful performance by the permittee of each and all of the trusts imposed by law or by usage attached to pawnbrokers, and for the faithful observance of all ordinances of the city. (Ord. 15470 §3; March 5, 1990: P.C. §5.26.030: Ord. 3489 §31-303; July 6, 1936).

#### **5.34.040 Occupation Tax.**

There is hereby levied upon the business of every person engaged in the business of operating or conducting the business of pawnbroking an occupation tax of twenty-five dollars per year. (Ord. 15470 §4; March 5, 1990: P.C. §4.08.140: Ord. 3489 §26-115; July 6, 1936).

#### **5.34.050 Records to be Kept; Contents; Inspection.**

(a) All persons who shall be engaged in the business of pawnbroking shall keep a ledger and complete a form to be furnished by the city on which shall be legibly typewritten or machine printed at the time of any loan or purchase, the following information:

- (1) Date of the loan or purchase;
  - (2) The name of the person from whom the property is purchased or received, such person's signature, date of birth, and driver's license number or other means of identification;
  - (3) A full and accurate description of the property purchased or received, including all identifying marks, including by not limited to any manufacturer's identifying insignia, serial number, initials, letters, numbers, names, as well as color(s) of item and any other characteristic which appears on the item;
  - (4) The time when any loan becomes due;
  - (5) The amount of purchase money or money lent, and any loan charges for each item;
- and
- (6) The identification and signature of the clerk or agent for the business who handles the transaction.

(b) Entries shall not in any manner be erased, obliterated, or defaced. The person receiving a loan or selling property shall receive at no charge a copy of the form required to be completed by this section.

(c) Every pawnbroker or employee of a pawnbroker shall admit to the pawnbroker's premises at any reasonable time during business hours any law enforcement officer for the purpose of examining any property or records on the premises, and shall allow such officer to place restrictions on the disposition of any property for which a reasonable belief exists that it has been stolen. (Ord. 17890 §1; July 30, 2001: prior Ord. 15470 §5; March 5, 1990: P.C. §5.26.050: Ord. 13644 §1; July 11, 1983: Ord. 3489 §31-305; July 6, 1936).

#### **5.34.060 Daily Report; Contents.**

It shall be the duty of every such pawnbroker and employee to make out and deliver to the Chief of Police every day before the hour of 12:00 noon, a legible and correct copy of the form required in Section 5.34.050 hereof of all personal property or other valuable things received, deposited, or purchased during the preceding day, together with the time when received or purchased and a description of the person or persons by whom left in pledge. (Ord. 17890 §2; July 30, 2001: prior Ord. 15470 §6; March 5, 1990: P.C. §5.26.060: Ord. 3489 §31-306; July 6, 1936).

#### **5.34.070 Property Reported Not to be Sold for Fourteen Days.**

No personal property received or purchased by any such pawnbroker shall be sold or permitted to be taken from the place of business of such person for fourteen days after the copy and statement required to be delivered to the Chief of Police shall have been delivered as required by Section 5.34.060. All property accepted as collateral security or purchased by a pawnbroker shall be kept segregated from

all other property in a separate area for a period of forty-eight hours after its receipt or purchase, except that valuable articles may be kept in a safe with other property if grouped according to the day of purchase or receipt. Notwithstanding the provisions of this section, a pawnbroker may return any property to a person pawning the same at the expiration of the forty-eight hour period, or when permitted by the Chief of Police or other authorized officer or officers. (Ord. 15470 §7; March 5, 1990: P.C. §5.26.070: Ord. 13644 §2; July 11, 1983; prior Ord. 3489 §31-307; July 6, 1936).

#### **5.34.080 Sunday Not Counted in Computation of Time.**

The time between 12:00 midnight Saturday and 12:00 midnight Sunday shall not be considered in the enforcement of this chapter, nor shall any property be received as pledge or purchase by any dealer mentioned in this chapter between those hours. (Ord. 15470 §8; March 5, 1990: P.C. §5.26.080: Ord. 3489 §31-308; July 6, 1936).

#### **5.34.090 Restrictions on Property Accepted; Customer Fingerprint Required.**

(a) All persons who shall be engaged in the business of pawnbroking shall, in addition to the requirements of this chapter, maintain and keep a single, legible fingerprint of each person pawning, pledging, mortgaging, or selling any goods or articles. The fingerprint shall be taken from the right index finger, or if the right index finger is missing, from the left index finger. Each pawnbroker shall display a notice to customers in a prominent location, stating that such pawnbroker is required by municipal ordinance to fingerprint every person pawning or selling an item.

(b) No pawnbroker shall accept as collateral security or purchase any property:

(1) from any person who is under eighteen years of age or who appears to be under the influence of alcohol, narcotic drugs, stimulant, or depressant, or who appears to be mentally incompetent; or

(2) on which the serial numbers or other identifying insignia have been destroyed, removed, altered, covered, or defaced. (Ord. 15470 §9; March 5, 1990: P.C. §5.26.090: Ord. 13644 §3; July 11, 1983; prior Ord. 3489 §31-309; July 6, 1936).

#### **5.34.100 Pawned Goods Held Four Months.**

It shall be unlawful for any pawnbroker to sell any goods pawned to or received by such pawnbroker, as described in Section 5.34.010, during the period of four months from the date of purchasing or receiving such goods. (Ord. 15470 §10; March 5, 1990: P.C. §5.26.100: Ord. 13644 §4; July 11, 1983; prior Ord. 3489 §31-310; July 6, 1936).

#### **5.34.110 Penalty for Violations.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$100.00, and each day that a violations continues shall constitute a separate offense. Upon conviction for violation of any of the provisions of this chapter or any other misdemeanor or felony, the City Clerk may revoke the permit of such pawnbroker. Before any permit may be revoked or suspended, the holder shall be given notice of the date and time of hearing before the City Clerk who issued the permit, to show cause why the permit

should not be revoked or suspended. Such hearing shall be held within seven days of the date of the notice. (Ord. 15470 §11; March 5, 1990: P.C. §5.26.110: Ord. 13644 §5; July 11, 1983: prior Ord. 3489 §31-311; July 6, 1936).